

R E M A R K S

The above amendment is submitted to place the application in condition for allowance. The amendment was not earlier presented since the objection of the Examiner to the indefinite term in claim 16 was unknown to Applicant.

Applicant has amended claim 16 to substitute the term "sequentially" for the word "continuously". Thus, claim 16 should definitely describe the sequential delivery of an audio tone first to the left ear, second to both the left and right ears, and thirdly to the right ear of the listener without interruption of the audio tone.

The Examiner also requested evidence of the Weathers disclosure indicating that there is an interruption of the sound in the Weathers device. Applicant points to column 1, lines 66-67; column 2, lines 1-2; and column 6, lines 47-52. It should be clear from these portions of the Weathers patent that Weathers delivers the sound to either the left ear or the right ear of the users in an alternate fashion. It is requested that the Examiner reconsider this aspect of Applicant's argument in light of this citation.

The passing to issue of the application at an early date is earnestly solicited.

Respectfully submitted,

  
**THEODORE J. BIELEN, JR.**  
Registration No: 27,420

TJB:jjl  
Date: October 29, 2001  
**BIELEN, LAMPE & THOEMING**  
1990 N. California Boulevard, Suite 720  
Walnut Creek, California 94596  
Tel: (925) 937-1515  
Fax: (925) 937-1529